



cyril amarchand mangaldas

Ref No. 5020

15th June 2018

BY HAND DELIVERY

To,

NDB Law
Advocates for Petitioner
6, Bhagyoday Bldg,
Nagindas Master Road,
Fort, Mumbai - 400 013

Dear Sir,

**Re: B.H.C. O.O.C.J.
WRIT PETITION NO. 1366 OF 2018
The Telangana Cricket Association ... Petitioner
Vs.
Board of Control for Cricket in India & Anr. ... Respondents**

We are concerned for our client, Board of Control for Cricket in India, Respondent No.1, in the captioned petition.

Please find enclosed a copy of the Affidavit of Compliance dated 15th June 2018 on behalf of Respondent No. 1, as and by way of service upon your client.

Yours faithfully,
M/s. Cyril Amarchand Mangaldas

Advocates for Respondent No. 1

Encl: a/a

cyril amarchand mangaldas

advocates & solicitors

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IN THE HON'BLE HIGH COURT OF JUDICAURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1366 of 2018

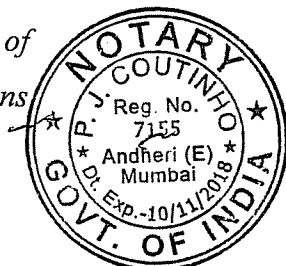
The Telangana Cricket Association ... Petitioner
 Versus
 Board of Control for Cricket in India & Anr. ... Respondents

AFFIDAVIT OF COMPLIANCE ON BEHALF OF RESPONDENT NO. 1

I, Rahul Johri, Indian inhabitant, the Authorized Representative of Respondent No. 1 in the captioned Writ Petition, having its office at 2nd Floor, Cricket Centre "D" Road, Churchgate, Mumbai 400 020 do hereby solemnly affirm and say as under:

1. I am the Chief Executive Officer (hereinafter referred to as the "CEO") of the Board of Control for Cricket in India (hereinafter referred to as "BCCI" or "Respondent No. 1"). In accordance with the order dated 30th January 2017 passed by the Hon'ble Supreme Court in Civil Appeal No. 4235 of 2014 and connected matters (hereinafter referred to collectively as the "Reforms Matters"), I report to the Committee of Administrators appointed by the Hon'ble Supreme Court (hereinafter referred to as the "COA") and the COA supervises the management and administration of BCCI through me.
2. Vide order dated 3rd May 2018 read with the order dated 4th May 2018 (hereinafter referred to as the "Order") passed by the Hon'ble Bombay High Court in the captioned Writ Petition it was directed that:

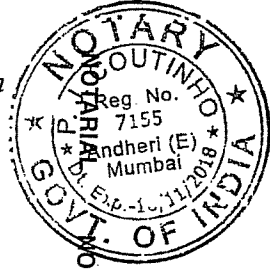
"4. Having considered the submissions made by the learned counsel for the parties, we dispose of this Petition by directing the Committee of Administrators of Respondent No. 1 to consider the Petitioner's applications



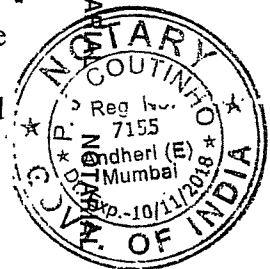
and if there is no legal impediment, take appropriate decision on it in accordance with law after giving due opportunity of hearing to the Petitioner. We expect that a reasoned order will be passed by the Competent Authority. The reasoned order as stated would be passed by the competent authority within six weeks from the date of receipt of copy of this order.



5. It will be open for the Petitioner to submit a detailed representation with supporting documents in regard to its prayer."



3. In compliance with the Order, the COA has taken a decision dated 14th June 2018 on the Petitioner's applications. A copy of the decision taken by the COA on the Petitioner's applications/ representation is annexed hereto and marked as **EXHIBIT A**.



Solemnly affirmed at Mumbai }

This 15th day of June 2018 }

[Signature]
Before Me,

For M/s. Cyril Amarchand Mangaldas

[Signature]
Advocates for the Respondent No. 1

BEFORE ME
[Signature] 15/06/2018
Peter J. Coutinho
ADVOCATE HIGH COURT & NOTARY GOVT. OF INDIA
C-8, Gracious Co-op. Hsg. Soc. Ltd.
Off. Mahakali Caves Rd., Andheri (E), Mumbai - 400 093, Maharashtra.

SEEN ORIGINAL (BOARD RESOLUTION / LETTER OF AUTHORITY / POWER OF ATTORNEE. DATED 21/03/2018 IN FAVOUR OF THE DEPONENT. THE SAID DOCUMENT IS STATED TO BE IN FORCE TILL DATE.

[Signature] 15/06/2018
P. J. COUTINHO
NOTARY

Document: *[Handwritten]*
Serial No.:- 1470 Date:- 15 JUN 2018
Notarial Register No. 48
Peter J. Coutinho - Notary

Stamp Duty of Rs. 21,000/- paid in cash / by demand draft / by pay order, vide Receipt / Challan No. 536913, dated the 15.06.2018 in Government Treasury / Sub-Treasury Office at the General Stamp Office, Mumbai



[Signature] 15/06/2018

Notary

Signature of the Notary with date

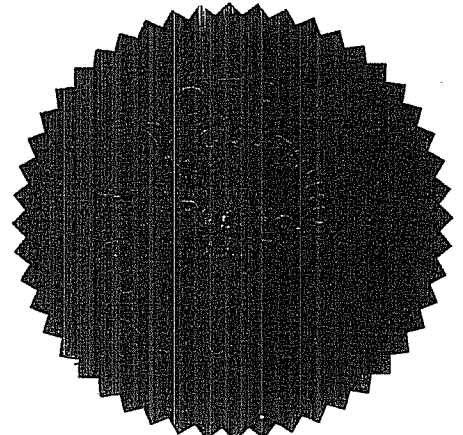
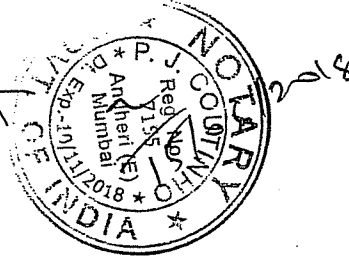


EXHIBIT A



**DECISION OF THE COMMITTEE OF ADMINISTRATORS ON THE
APPLICATIONS/ REPRESENTATION BY THE TELANGANA CRICKET
ASSOCIATION FOR ASSOCIATE MEMBERSHIP OF BCCI**

A. BACKGROUND

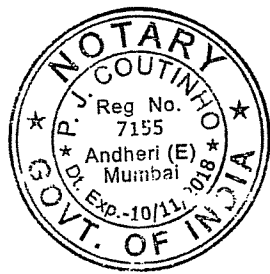
1. Vide order dated 3rd May 2018 read with the order dated 4th May 2018 (together, the "Order") passed by the Hon'ble Bombay High Court in Writ Petition (Lodg.) No. 387 of 2018 ("Petition"), it was directed that:

"4. Having considered the submissions made by the learned counsel for the parties, we dispose of this Petition by directing the Committee of Administrators of Respondent No. 1 to consider the Petitioner's applications and if there is no legal impediment, take appropriate decision on it in accordance with law after giving due opportunity of hearing to the Petitioner. We expect that a reasoned order will be passed by the Competent Authority. The reasoned order as stated would be passed by the competent authority within six weeks from the date of receipt of copy of this order.

5. It will be open for the Petitioner to submit a detailed representation with supporting documents in regard to its prayer."

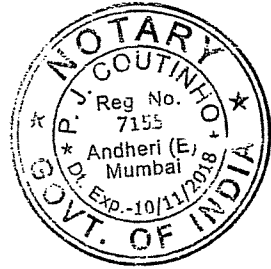
2. In compliance with the Order, the Committee of Administrators ("COA") addressed an email dated 8th May 2018 to the Telangana Cricket Association ("TCA") stating that the primary issue to be considered while deciding the applications made by the TCA is whether the recommendations of the Hon'ble Justice Lodha Committee ("Lodha Committee") as accepted and modified by the Hon'ble Supreme Court contemplate admitting an Associate Member from a State which is already represented by a Full Member. In order to enable the TCA to effectively address this issue, the following relevant material was enclosed with the aforesaid email dated 8th May 2018:

- (a) Copy of the report of the Hon'ble Justice Lodha Committee ("Report");

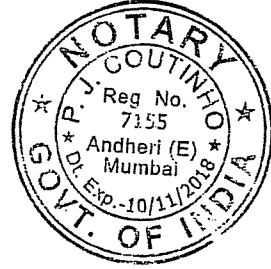


- (b) Compilation of relevant orders passed by the Hon'ble Supreme Court in Civil Appeal No. 4235 of 2014 and connected matters ("Reforms Matters");
- (c) Copy of the latest draft text of the New BCCI Constitution filed by the COA in the Hon'ble Supreme Court pursuant to the order dated 21st September 2017 ("New BCCI Constitution"); and
- (d) Copy of the letter dated 22nd February 2018 addressed by the Hyderabad Cricket Association ("HCA") to the CEO of BCCI.
3. The HCA subsequently requested that it be permitted to intervene in the matter. Considering that the HCA is a Full Member of BCCI representing the State of Telangana, the COA acceded to this request.
4. Both the TCA and the HCA appeared before the COA on 30th May 2018 at New Delhi. At the said hearing:
- (a) The TCA was represented by Advocates Mr. Karan D. Bhosale and Ms. Nikita Menon along with Mr. Dharam Guruva Reddy and Lt. Col. Pragathi Kumar Achanta.
- (b) The HCA was represented by Advocates Mr. Ananya Bhattacharjee and Mr. Mukund P. Unny along with Dr. G. Vivekanand and Mr. V. Agan Rao.
5. The aforesaid representatives of the TCA and the HCA were heard by the COA in the presence of each other.

B. PRELIMINARY OBJECTIONS RAISED BY THE TELANGANA CRICKET ASSOCIATION

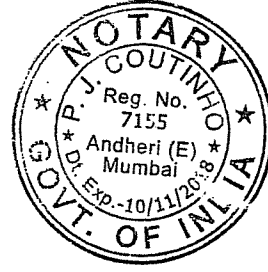


6. By way of preliminary objections, the TCA has contended that:
- (a) the HCA ought not to be heard by the COA in the matter because the HCA was aware of the pendency of the Petition, which is evident from their letter dated 22nd February 2018 addressed to the CEO of BCCI as also the fact that the issuance of notice by the Hon'ble Bombay High Court was covered by several news publications and information regarding the same was in public domain.
 - (b) The HCA chose not to intervene in the Petition and there is no order passed pursuant to a hearing given to the concerned parties for allowing the HCA to intervene.
 - (c) The hearing before the COA is only on the applications preferred by the TCA for Associate Membership, which does not affect the rights of the HCA, which is a Full Member.
 - (d) The Constitution of BCCI provide for 'members' under two categories viz. (i) Full Member; and (ii) Associate Member; and both can co-exist. Therefore, intervention of a Full Member at the hearing of an application for Associate Member is neither envisaged under the New BCCI Constitution nor is there any precedent for it.
7. The HCA is currently a Full Member of BCCI representing the State of Telangana. The applications preferred by the TCA seek affiliation as an Associate Member from the State of Telangana. This alone is sufficient reason to give opportunity of hearing to the HCA while considering the applications preferred by the TCA because if the TCA is granted affiliation as an Associate Member, there will then be two affiliated associations operating in the State of Telangana, albeit one as a Full Member and one as an Associate Member. The fact that the HCA did not intervene in the Petition and that there is no order passed requiring the COA to hear the HCA cannot be grounds for the COA to deny the HCA an opportunity of hearing. In any event, at least a part of the arguments advanced



on behalf of the TCA involved allegations/ aspersions on the manner in which the HCA is functioning in the State of Telangana. It would have been unfair not to give the HCA an opportunity to deal with the said allegations/ aspersions in the presence of the TCA. On the other hand, no prejudice has been occasioned to the TCA on account of the HCA having been given an opportunity of hearing in its presence. The fact that there is no specific provision in the New BCCI Constitution which requires a Full Member to be heard while considering an application for Associate Membership from the same State makes no difference. The contention that there is no precedent for this does not appear to have any merit because issues of affiliation under the existing Rules and Regulations of BCCI ("Existing BCCI Constitution") were decided by the General Body of BCCI, which comprises representatives of all members of BCCI (with all Full Members having voting rights). For these reasons, there is no merit in the aforesaid preliminary objections raised by the TCA and the same are, accordingly, rejected.

8. It is relevant to mention here that the TCA has, subsequent to the hearing, contended that principles of natural justice have been violated because the TCA was never intimated and/or served with any representation/ pleadings/ documents filed by HCA in advance of the hearing. This contention has no merit for the following reasons:
- (a) There were no directions issued by the COA to the TCA and the HCA to provide each other with a copy of their respective representation/ submissions in advance of the hearing because both of them were to be heard in each others' presence.
 - (b) The TCA was aware at least on 21st May 2018 that the COA had also called for written submissions from the HCA but did not make any request to the COA to be supplied with a copy of the same.
 - (c) In any event, no prejudice has been caused to the TCA because a copy of the representation made by the TCA pursuant to the Order was not provided by the COA to the HCA in advance of the hearing and both the TCA and the HCA were heard in the presence of each other during the hearing on 30th May 2018.



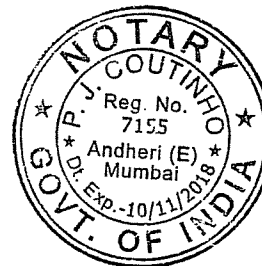
- (d) Notwithstanding the above, the respective representations/ arguments of the TCA and the HCA were circulated to all concerned after the aforesaid objection was raised by the TCA subsequent to the hearing.

C. PRELIMINARY OBJECTION RAISED BY THE HYDERABAD CRICKET ASSOCIATION

9. By way of a preliminary objection, the HCA has contended that the COA does not have the authority to determine the applications filed by the TCA seeking affiliation as an Associate Member of BCCI because Rule 6(B) of the Existing BCCI Constitution provides that the matters pertaining to affiliation are to be considered by the General Body of BCCI.
10. The above preliminary objection is rejected for the following reasons:
- (a) The Order has directed the COA to decide the applications filed by the TCA seeking affiliation as an Associate Member of BCCI. Accordingly, the COA is bound by the Order notwithstanding any provision in the Existing BCCI Constitution.
- (b) In any event, the TCA has fairly conceded that its applications have been made under the New BCCI Constitution in terms of the Report and the judgment dated 18th July 2016 passed by the Hon'ble Supreme Court in the Reforms Matters ("Judgment") and not under the Existing BCCI Constitution.

D. WHETHER THERE IS ANY LEGAL IMPEDIMENT IN CONSIDERING THE TCA'S APPLICATIONS

11. It was contended by the HCA that the core issue regarding granting membership to various associations representing individual States is under consideration by the Hon'ble

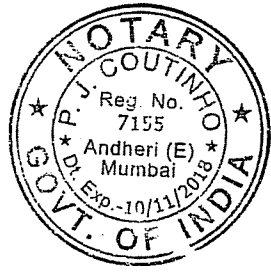


Supreme Court in the Reforms Matters. The HCA specifically referred to the order dated 24th July 2017 passed by the Hon'ble Supreme Court which states that:

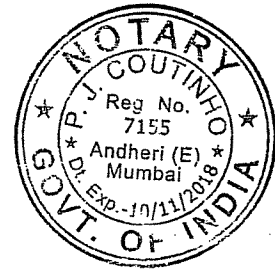
“All concerned shall implement the recommendations of the Justice Lodha Committee Report as far as practicable, barring the issues which have been raised pertaining to membership, number of members of the selection committee, concept of associate membership, etc. The purpose is to implement the report as far as practicable and, thereafter, it shall be debated as to how the scheme of things can be considered so that the cricket, the 'gentleman's game', remains nearly perfect. Be it noted, the issue with regard to disqualification or qualification of the representative is kept open.”

(emphasis supplied by the HCA)

12. The HCA has further contended that the Hon'ble Bombay High Court has gone against the judicial orders of the Hon'ble Supreme Court by directing the COA to consider the TCA's applications despite the matter being pending before the Hon'ble Supreme Court.
13. In response, the TCA contended that the aforesaid order dated 24th July 2017 passed by the Hon'ble Supreme Court does not come in the way of the COA considering the TCA's applications for the following reasons:
 - (a) When the order dated 24th July 2017 is read in its proper context, it becomes clear that the reference to 'concept of associate membership' in the said order is to the recommendation whereby certain Full Members have been relegated to Associate Membership and not to the induction of new Associate Members.
 - (b) The Hon'ble Supreme Court has, vide a subsequent order dated 21st September 2017, itself directed the COA to consider the applications filed by various claimant associations from the Union Territory of Puducherry, thereby making it clear that the order dated 24th July 2017 does not come in the way of the COA considering applications for Associate Membership from entities that are not currently affiliated to the BCCI.



14. It is relevant to mention here that the Order passed by the Hon'ble Bombay High Court has noted the stand taken by BCCI in the Petition to the effect that as the text of the New BCCI Constitution is pending finalization, it is not possible to consider and decide the TCA's applications. However, in light of the order dated 21st September 2017 passed by the Hon'ble Supreme Court, the COA has been directed to consider the TCA's applications and take appropriate decision if there is no legal impediment.
15. While the COA would have preferred to await finalization of the text of the New BCCI Constitution by the Hon'ble Supreme Court before considering and taking a decision on the TCA's applications, the mere fact that the text of the New BCCI Constitution is pending finalization cannot be said to be a 'legal impediment' that prevents the COA from considering and taking a decision on the same.
- E. WHETHER AN ASSOCIATE MEMBER CAN BE ADMITTED FROM A STATE WHICH IS ALREADY REPRESENTED BY A FULL MEMBER**
16. The COA is of the view that the primary issue to be considered while deciding the applications made by the TCA is whether the recommendations of the Hon'ble Justice Lodha Committee as accepted and modified by the Hon'ble Supreme Court vide the Judgment contemplate admitting an Associate Member from a State which is already represented by a Full Member. Both the TCA and the HCA were informed in advance that this is the primary issue to be addressed by them. If the answer to this primary issue is in the negative, then the applications made by the TCA will have to be rejected on this ground alone.
17. The HCA has contended that the Report and the Judgment do not contemplate admitting an Associate Member from a State which is already represented by a Full Member. In support of this contention, the HCA has relied upon Rule 3(a)(ii)(A) of Annexure A to the Report, i.e. the Model Memorandum of Association and Rules & Regulations of BCCI ("Model BCCI Constitution"), which states as follows:



“Each State shall be represented by a state cricket association duly recognized by the BCCI and such associations shall be Full Members. No State shall have more than one Full Member.”

(emphasis supplied by the HCA)

18. On the other hand, the TCA has contended that the Report and the Judgment permit the BCCI to admit an Associate Member from a State which is already represented by a Full Member. In support of this contention, the TCA has *inter alia* relied upon Rule 3(a)(iii)(B) of the Annexure A to the Report, which states as follows:

“The BCCI may induct any other entity as an Associate Member, subject to all the conditions and disqualifications laid down in Rule 3(b) below.”

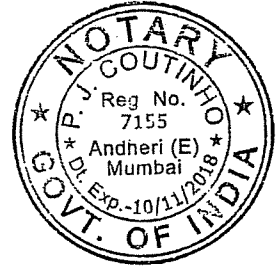
19. The TCA has also relied on Clause (d) of the Model BCCI Constitution and the New BCCI Constitution, which lists the following as one of objects and purposes of the BCCI:

“To encourage the formation of State, Regional or other Cricket Associations and the organization of Inter-State and other Tournaments; to lay down norms for recognition which achieve uniformity in the structure, functioning and processes of the Member Associations;”

20. The above provisions cited by the TCA and the HCA cannot be viewed in isolation and must be viewed in the context of the Report and the Judgment. Accordingly, in order to deal with the aforesaid contentions, it is necessary to refer to the relevant portions of the Report and the Judgment.

21. In Chapter One of the Report titled ‘The Structure and Constitution’, the Report states:

“Almost universally, apart from those who represented the associations in Gujarat and Maharashtra, the prevalent view was that the State is a fair unit of representation on



the BCCI. On a consideration of the entire issue, the Committee is of the view that it is not proper for only one or two States to have multiple members when all other States have single memberships (in fact, while many States have no representation). Democratic norms require each State should have equal representation, and therefore the Committee proposes the policy of 'One State – One Member – One Vote'. In fact, this is the policy followed by other national sports associations (IHF & AIFF), each of whose members have an equal vote regardless of size or population. Even at the international level (IOC & FIFA), this is the position. Cricket ought to be no different.

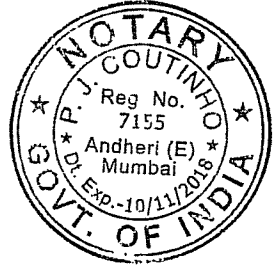
It was however also stated that as far as disbursement of funds by BCCI for cricket development, it need not be uniform, but can depend on the need, infrastructure and other relevant criteria, formalised as a clear and equitable policy to incentivize Members to develop the sport.

In keeping with the above principle, and notwithstanding any sense of sentiment, there would also be no place for multiple associations from a single State. The Committee is of the view that it be left to the BCCI to decide which of the 3 associations from Gujarat and Maharashtra would be taken to represent the entire State, and the remaining 2 associations from each State would become Associate Members, who would however continue to field teams for competitions as they have done in the past. Equally, in States where there are disputes concerning the appropriate governing body [Jammu & Kashmir, Bihar, Rajasthan, etc.], it is best left to the BCCI or the Court (as may be the case) to decide which association would represent the State."

(emphasis supplied)

22. In paragraphs 70 to 73 of the Judgment, the Hon'ble Supreme Court has held as follows:

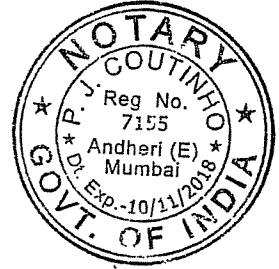
"70. Coming to the second aspect of "one State-one vote", it was argued by the learned counsel appearing for the intervening clubs from the States of Maharashtra and Gujarat that the six clubs/ associations three each from the two States viz. Mumbai Cricket Association, Maharashtra Cricket Association, Vidarbha Cricket Association, Gujarat



Cricket Association, Baroda Cricket Association and Saurashtra Cricket Association not only represent a definite territory and participate in competitive cricket by fielding teams but have contributed to the development of the game in their regions. It was submitted that the recommendations made by the Committee that BCCI should choose one of the clubs to represent the entire State were fraught with difficulty and ignored the historical perspective and the fact that these clubs had made substantial contribution to the development and promotion of cricket in this country. It was, therefore, urged that reducing the role of four out of the six clubs from full membership to associate membership was not a sound proposition and deserved to be turned down and the associations allowed to continue their position as full members.

71. The argument advanced by the intervenor clubs cannot be lightly brushed aside. It is not disputed that three different regions are represented by three distinct associations both in the State of Gujarat and Maharashtra. This position continued to exist from the inception. Some of the clubs/ associations, if not all are the founding members of BCCI. That being so, a balance has to be struck with historical reality and the need for adopting a pragmatic, uniform and principled approach aimed at reforming and rationalising BCCI's structural edifice. The recommendation made by the Committee to the extent it provides for one vote for each State is unexceptionable nor should there be any compromise with what is proposed as a reformative measure.

72. Even so, the question is whether BCCI, in the peculiar situation prevalent in these two States, is in a position to recognise one of the three associations representing different territories in those two States as the one that would represent the entire State. The learned counsel for the intervenors and so also Mr Venugopal, counsel for BCCI are, in our opinion, justified in contending that the process of recognising one out of three associations representing three different regions in those two States is fraught with several difficulties and would result in long-drawn litigation and frustration for the players in particular and cricket lovers in general. What then is the way out of this conundrum.

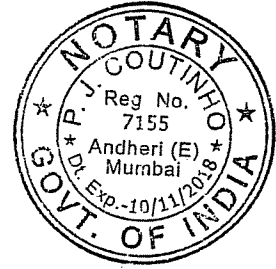


73. We had in the course of hearing asked the learned counsel for the parties, if it would be possible for the three associations to sync and unify their associations into a single entity. There were serious reservations expressed on that front and rightly so as each association is entitled today to field a team and receive monetary assistance. In the process of unification, the prospects of budding cricketers of these regions would go down substantially. That being so, the only reasonable and rational answer to the problem within the broad principle of one State-one vote would be to allow the full membership of BCCI to rotate among the three clubs on an annual basis. During the period one of the associations would exercise the rights and privileges of a full member, the other two associations would act as associate members of BCCI. This rotational arrangement would give each member a right to vote at its turn without violating the broader principle of one State-one vote recommended by the Committee. This would also respect the historical aspect in which these associations grew to promote the game and form BCCI as a national body. Needless to say that the right of the association to field teams as before will remain unaffected subject to any changes that BCCI may make in its wisdom over a period of time. BCCI shall, however, decide the order in which the membership will rotate among the three associations in these two States. We make it clear that this arrangement of rotational membership shall continue till such time the clubs/ associations come together to form a single entity, if such a unification was to ever become a reality."

(emphasis supplied)

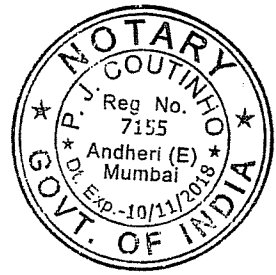
23. When Clause (d) of the Model BCCI Constitution/ New BCCI Constitution as well as Rules 3(a)(ii)A and 3(a)(iii)(B) are viewed in the context of the above portions of the Report and the Judgment, it is clear that the admission of an Associate Member from a State which is already represented by a Full Member is not contemplated. This is because:

- (a) The recommendation contained in the Report is actually 'One State – One Member – One Vote' and not just 'One State – One Vote'. The term 'Member' is

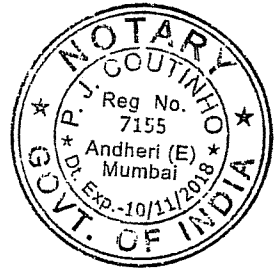


defined in Rule 1(A)(t) of the Model BCCI Constitution/ New BCCI Constitution as including a Full Member and an Associate Member.

- (b) Even though Rule 3(a)(ii)(A) of the Model BCCI Constitution states that no State shall have more than one Full Member, it also states that “*Each State shall be represented by a state cricket association ...*” (emphasis supplied). Accordingly, it follows that another state cricket association cannot be admitted from a State which is already represented by a Full Member even if such other state cricket association is sought to be admitted as an Associate Member.
- (c) Even though Rule 3(a)(iii)(B) of the Model BCCI Constitution/ New BCCI Constitution states that the BCCI may induct any other entity as an Associate Member, the said Rule cannot be construed as permitting the BCCI to induct an Associate Member from a State which is already represented by a Full Member and must be construed as enabling the induction of other entities such as associations representing a Union Territory, associations engaged in promotion and development of cricket for disabled persons, etc. Interpreting the said Rule in the manner that the TCA has sought to do will be inconsistent with the fundamental principles underlying the Report and the Judgment.
24. The TCA has contended that the Report itself allows for more than one member from the same State. In support of this contention, it has cited the examples of the States of Maharashtra and Gujarat in respect of which the Report recommended that one of the three associations in each of the said States should be retained as a Full Member representing the State and the other two associations from each of the said States should be relegated to Associate Members with the right to field teams for competitions. Accordingly to the TCA, this clearly illustrates that the Report did envisage and accept that there could be more than one member per State as long as only one member had Full Member status.



25. The Report and the Judgment treat the States of Maharashtra and Gujarat as special cases for the following reasons (which are clear from the relevant portions of the Report and the Judgment quoted above):
- (a) The six associations (three each from the States of Maharashtra and Gujarat) represent separate and clearly defined territories/ regions within the said States that do not overlap with each other.
 - (b) The six associations have been Full Members of BCCI for a long time (some of them are even founding members) and a balance was sought to be struck by the Report and the Judgment between the historical contribution of these associations as Full Members of BCCI and the rationale behind the recommendation of One State – One Member – One Vote. For this reason, the Report contemplates that two out of three associations each from the States of Maharashtra and Gujarat should be relegated to Associate Membership (instead of being deprived of membership in entirety). The Judgment also recognizes this by providing for annual rotation of Full Membership between the three associations each from the States of Maharashtra and Gujarat.
26. None of the above reasons are applicable to the State of Telangana. Indeed, if the Report had been made prior to the bifurcation of the erstwhile undivided State of Andhra Pradesh, it is likely that a similar arrangement would have been put in place as between the HCA and the Andhra Cricket Association, both of which represented separate and distinct territories/ regions within the erstwhile undivided State of Andhra Pradesh. Accordingly, the special arrangement envisaged by the Report and the Judgment for the States of Maharashtra and Gujarat cannot be used to justify/ support the admission of the TCA as an Associate Member from the State of Telangana when the HCA already represents the said State as a Full Member.
27. The TCA has also contended that there is precedent for not restricting Associate Members from existing where there is an existing Full Member in a State because the



Railway Sports Promotion Board ("RSPB"), the Services Sports Control Board ("SSCB") and the All India Universities ("AIU") are to become Associate Members as per the Report and the Judgment and these organizations cover all States in India.

28. In order to appreciate the aforesaid contention in its proper perspective, it is appropriate to refer to the relevant portions of the Report and the Judgment which deal with the situation of RSPB, SSCB and AIU. The following extracts from Chapter One of the Report titled 'The Structure and Constitution' are relevant:

"The Services Sports Control Board, the Railways Sport Promotion Board and All India Universities represent particular national service groups, who traditionally constituted the largest employers of Indian sportsmen before the advent of liberal private enterprise.

...

The Services Sports Control Board, the Railways Sport Promotion Board and All India Universities show that territorial divisions were not the consistent criteria to determine membership of the BCCI. However, these members were represented by teams that played competitive cricket.

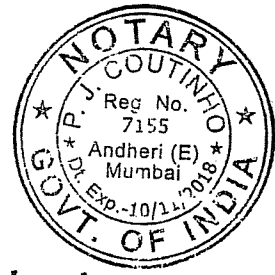
...

As the Services, Railways and Universities have hitherto enjoyed Full Member rights although they do not represent a particular State, the Committee recommends that they be accorded the status of Associate Member so that their views may still be considered while they will not have voting rights. ..."

(emphasis supplied)

29. In paragraphs 67 to 69 of the Judgment, the Hon'ble Supreme Court has held as follows:

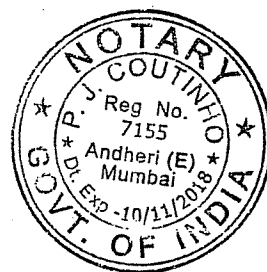
"67. In the first category, fall five full members whose membership should as per the recommendations get converted to associate membership. In this category fall Railway Sport Promotion Board, Association of Indian Universities, Services Sports Control Board, National Cricket Club (Kolkata) and Cricket Club of India (Bombay). The



Committee has recommended that these clubs and associations need not be continued as full members as they do not represent any geographical territory. Two of the clubs, namely, Cricket Club of India and National Cricket Club do not even field teams in competitive cricket. These two clubs also happen to be recreational clubs. The other three clubs mentioned above however field teams but do not receive any monetary assistance from BCCI.

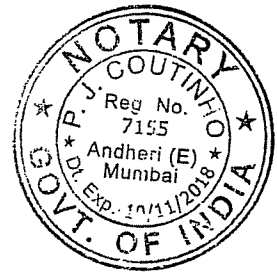
68. It was contended by the learned counsel appearing for these clubs that the recommendation made by the Committee based entirely on the fact that they do not represent a territory does not do full justice to them while recommending deletion of their full membership from BCCI. It was submitted that even when these clubs do not represent any geographical area and some of them even do not field teams, they should be continued as full members keeping in view the historical background leading to the formation of BCCI.

69. We see no merit in that contention nor do we see any reason to disagree with the recommendation made by the Committee, which has upon a thorough consideration of all facts and circumstances relevant to the working of BCCI, recommended the conversion of the clubs and associations without a territory from full members to associate members. This is a measure which has been recommended with a view to structurally streamlining BCCI to make it more responsive and accountable having regard to the aspiration of different regions for an equal opportunity to participate in the growth and promotion of the game in the country. The fact that clubs including the Railway Sports Promotion Board, Association of Indian Universities and Services Sports Control Board do not represent any region nor do they receive any monetary benefit is, in our view, a good enough reason for converting their full membership to associate membership. The conversion notwithstanding they shall continue to be associated with the growth and promotion of the game, the right to vote remaining confined to full members, representing definite geographical regions or territories. The recommendation made by the Committee regarding the conversion of the status of the abovementioned clubs and associations are, therefore, sound and are hereby accepted."



(emphasis supplied)

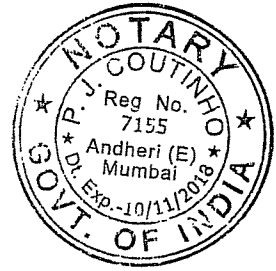
30. From the relevant portions of the Report and the Judgment quoted above, it is clear that the RSPB, the SSCB and the AIU do not represent any geographical territory. On the contrary, their 'jurisdiction' or 'catchment area' pertains to employees of Indian Railways, armed forces personnel and university students respectively. It is also clear that the reason why the Report and the Judgment relegated these entities to associate membership instead of depriving them of membership completely is because of their historical contribution to the development and promotion of cricket as Full Members of BCCI. Accordingly, it is not correct to draw an analogy between the TCA's case and that of these three entities (viz. RSPB, SSCB and AIU).
31. The TCA has contended that since the Report contemplates affiliation to Mizoram and Puducherry as Full Member and Associate Member respectively, the TCA should also be given affiliation as an Associate Member because the rural districts of Telangana have much higher population, cricket following and players than either Mizoram or Puducherry. In support of this contention, the TCA has relied on the following portion of the Report:
- "The Regulations of the BCCI only speak of three categories of Members – Full, Associate and Affiliate. However, we find that there is a list of six "Future Members", a category that does not have a legal basis. This consists of Uttarakhand, Mizoram, Telangana, Chandigarh, Puducherry and Andaman & Nicobar. Such a classification seems a half-way house with no real purpose except to give the association an illusion that it will be promoted at some vague point in the future."*
32. It is relevant to mention here that the Report goes on to specifically recommend the induction of Puducherry as an Associate Member of BCCI in the following words:



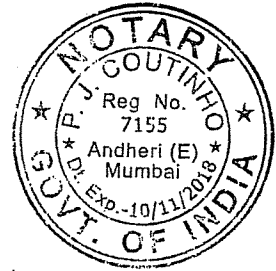
“...Among the Union Territories, it would however be appropriate for Puducherry to be now inducted by the BCCI as an Associate Member which will retain rights to field a team and compete.”

33. However, no such specific recommendation has been made in respect of the State of Telangana. The State of Telangana is already represented by the HCA as a Full Member whereas the Union Territory of Puducherry was unrepresented. In fact, all the other States/ Union Territories referred to in the aforesaid portion of the Report which the TCA has sought to rely upon (namely Mizoram, Uttarakhand, Chandigarh and Andaman & Nicobar) are States/ Union Territories which were completely unrepresented in BCCI at the time the Report was made. Accordingly, inducting a Full Member/ Associate Member from any of the said States/ Union Territories cannot be compared with the case of the TCA.
34. The TCA has submitted that the HCA has been focusing its activities primarily in Hyderabad and has neglected the development and promotion of cricket in the rural districts of the State of Telangana. The TCA further contended that even though the State of Telangana comprises of 31 districts, the Memorandum, Rules and Regulations of the HCA (“HCA Constitution”) which have been amended as recently as in January 2018 restrict the jurisdiction of the HCA only to 10 districts. On this basis, one of the suggestions made by the TCA was that the HCA may work in the 10 districts out of the newly formed 31 districts comprising the State of Telangana while the TCA will officially take up the responsibility of the remaining 21 districts.
35. The HCA has submitted that (i) it was registered in 1934 and covered all the erstwhile 14 districts of Hyderabad State; (ii) after the reorganization of States in 1956, the HCA continued to promote cricket in 10 of those districts (because the remaining 4 districts became part of some other State like Maharashtra, Karnataka, etc.); and (iii) The present 31 districts comprising the State of Telangana have been carved out from the said 10 districts only and representatives from the said districts are representing all 31 districts.





36. The TCA also submitted that out of the 217 members of the HCA, only 9 are from outside Hyderabad. This was not denied by the HCA but it was submitted in response that the city of Hyderabad has borders with 5 out of the 10 original districts of Telangana and the Hyderabad Metropolitan Development Authority caters to over 40% of the population of Telangana. It was also submitted by the HCA that a lot of players from districts move to Hyderabad because of availability of better infrastructure and other facilities.
37. It was submitted by the TCA that players should not have to move from districts to Hyderabad and that is why the TCA has been working in 30 districts of the State of Telangana by identifying talent, building and operating league teams, training coaches, conducting training camps, organizing leagues and tournaments in BCCI format. It was submitted by the TCA that the players in the districts of Telangana have suffered for a long time because of the HCA not having created necessary infrastructure in the districts.
38. The COA does not consider it necessary to get into the aforesaid aspects which are, at the most, a critique of the HCA's functioning. This is because even if it is found (after further enquiry) that the HCA is neglecting the development and promotion of cricket in the rural districts of Telangana, that will not change the position regarding whether an Associate Member can be admitted from a State which is already represented by a Full Member. It will, at the most, give reason to those aggrieved for seeking appropriate directions to make the HCA function better.
39. However, the COA expects that the HCA will take (and/or continue to take) appropriate measures to ensure development and promotion of cricket in all parts of the State of Telangana including by creating necessary infrastructure in all the districts so that players do not have to move to Hyderabad for this purpose. The HCA is directed to submit a report to BCCI every 6 months setting out the concrete steps taken in this regard and to put up such report on its website.
40. The COA also expects that the HCA will take appropriate steps to make its membership more inclusive by addressing the current disparity in membership structure which is



excessively concentrated in Hyderabad. In addition to any steps that HCA may take pursuant to the above, it is strongly recommended that instead of having only 9 members that represent the districts of Telangana, at least one member should be inducted into the HCA as voting members from each of the 31 districts comprising the State of Telangana. This recommendation is being made with a view to furthering the letter and spirit of the Report and the Judgment as well as ensuring that there is no doubt that the HCA properly represents the entire State of Telangana.

F. DECISION

41. For the reasons and with the observations mentioned above, the applications made by the Telangana Cricket Association seeking affiliation as an Associate Member of BCCI are rejected. However, in the event the Hon'ble Supreme Court subsequently passes any orders which have a material effect on the issue of whether an Associate Member can be admitted from a State which is already represented by a Full Member, it shall be open for the Telangana Cricket Association (and indeed any other association from the State of Telangana) to make a fresh application.

Dated this 14th day of June 2018.

FOR and on behalf of the Supreme Court Appointed Committee of Administrators

Ms. Diana Edulji

Member

TRUE COPY

Cyril Amarchand Mangaldas
Advocates & Solicitors

IN THE HIGH COURT OF JUDICATURE AT
BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1366 OF 2018

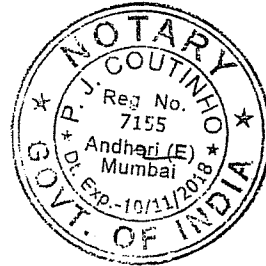
The Telangana Cricket

Association ... Petitioner

Versus

Board of Control for
Cricket in India & Ann

Respondents



AFFIDAVIT OF COMPLIANCE ON BEHALF OF
THE RESPONDENT NO. 1

Dated this 15th day of June 2018

M/s. Cyril Amarchand Mangaldas.
Peninsula Chambers, Peninsula Corporate Park,
Ganpatrao Kadam Marg, Lower Parel,
Mumbai – 400 013
Advocates for the Respondent No. 1